

## **1. Introduction**

Parents of pupils at Stowe School or Swanbourne House School (the **School**) who are resident outside the UK must appoint a Nominated Guardian for their child in the UK. This is the case for all pupils, irrelevant of age.

The School believes effective Nominated Guardianship to be essential to a successful boarding experience and places the highest priority on ensuring that boarders of all ages have access to the support they need to thrive.

This policy provides information on Nominated Guardianship. The Nominated Guardianship form, which all parents who reside overseas, and their appointed Nominated Guardians, are expected to complete can be found on the Parent Portal.

## **2. Aims, Scope and application**

The aims of this policy are to:

- explain the School's requirements and expectations relating to Nominated Guardianship;
- explain the limits of the School's involvement in appointing Nominated Guardians or arranging Nominated Guardianship or homestay placements;
- demonstrate the School's commitment to the safety and welfare of its pupils;
- set out the steps taken by the School to ensure that each Nominated Guardianship arrangement promotes the welfare, physical wellbeing and emotional wellbeing of the boarder;
- ensure the School complies with its legal obligations as an independent school and to the UKVI as a Child Student Sponsor.

This policy applies to Stowe School and Swanbourne House School (members of The Stowe Group of Schools).

## **3. Definitions**

The following definitions apply:

**Nominated Guardian:** An individual or company appointed by parents to take temporary responsibility for the care of their child while they live away from home to undertake study. A Nominated Guardian is expected to exercise delegated parental responsibility by acting as a responsible and caring parent would, providing day-to-day advice and assistance as required. It is typical for parents to authorise Nominated Guardians to make certain decisions regarding the pupil on their behalf, for example regarding emergency medical or dental treatment. Nominated Guardians are distinct from Legal Guardians, who are appointed by the court to care for a child because, for example, their parents are deceased.

**Parental Responsibility:** Section 3(1) of the Children Act 1989 defines Parental Responsibility as all the rights, duties, powers, responsibilities and authority that a parent has in relation to the child. The delegation of Parental Responsibility (PR) to a party that does not hold PR is provided for by s.3(5) of the Children Act 1989, which enables them to do what is reasonable in the

circumstances for the child's welfare. What is reasonable will depend on the urgency of the situation and whether it is practicable to consult a person with PR.

**Homestay:** An arrangement made by a Nominated Guardian to provide accommodation, meals and care for a pupil. In some cases the Nominated Guardian will accommodate the pupil. In others, the Nominated Guardian will arrange a suitable, vetted homestay for the pupil.

**Private fostering:** An arrangement which arises when a pupil stays with someone who is not a close relative (i.e. brother, sister, aunt, uncle, grandparent or step-parent) for a continuous period of 28 days or more whilst they are enrolled at the School.

**Child Student Visas:** The UK operates a Child Student Visa Sponsorship system. Child Student visas are issued to pupils under the age of 18 who will be studying at independent schools in the UK. An independent school must register with the Home Office as a Child Student Sponsor to enable it to sponsor Child Student visa applications of international pupils to whom it has offered places.

#### **4. Who must appoint a Nominated Guardian?**

It is a condition of enrolment at the School that the parents of a pupil, if resident outside the United Kingdom, must take responsibility for appointing a Nominated Guardian for their child and ensuring a suitable Nominated Guardian remains in place throughout the pupil's time at the School in accordance with the criteria as set out within this policy.

#### **5. Why must a Nominated Guardian be appointed?**

It is necessary for independent schools to insist that overseas parents appoint Nominated Guardians for their child whilst they are at school in the UK. This is to ensure that there is somebody in the UK who can take responsibility for the pupil and provide them with care and support when they are not in the care of the School. The Nominated Guardian should also be given legal authority to act on behalf of the parent in all respects.

The Nominated Guardian's responsibilities usually include caring for the pupil as would a responsible and caring parent by, for example, being in regular contact with the pupil and providing advice and support as necessary. The Nominated Guardian will need to care for the pupil and take responsibility for the pupil if they are unwell, suspended or otherwise released from School. Responsibilities also include being authorised to make certain decisions concerning the pupil on the parents' behalf, for example decisions regarding emergency medical and dental treatment and matters of a disciplinary nature.

Pupils are not permitted to remain in residence at School during school holidays or Exeat weekends, as published in the School Calendar, as there is no provision for appropriate supervision during school holidays or Exeat weekends. Therefore, the Nominated Guardian is expected to arrange accommodation for the pupil in accordance with the criteria outlined in Section 7 and is responsible for the pupil whilst they are journeying to and from School.

#### **6. Who can be a Nominated Guardian and how are they appointed?**

The School does not arrange the appointment of a Nominated Guardian. The responsibility for choosing an appropriate Nominated Guardian in accordance with the criteria outlined below rests solely with the parents and must be arranged before the pupil joins the School. The parents are

responsible in each case for satisfying themselves as to the suitability of a Nominated Guardian.

The School reserves the right to review and, if necessary, reject a Nominated Guardianship and/or homestay arrangements made by parents if they are deemed to be unsuitable. Any concerns about a Nominated Guardianship arrangement will be acted on immediately and referred to any relevant agencies.

The Nominated Guardian appointed must be:

- Either: accredited by the Association for the Education and Guardianship of International Pupils (AEGIS) or certified by the Boarding Schools' Association (BSA).

AEGIS is the authoritative association for inspecting and accrediting guardianship agencies in the UK. AEGIS can be contacted via their website: [www.aegisuk.net](http://www.aegisuk.net)

The BSA champions boarding and promotes boarding excellence. The BSA is the largest association of boarding schools in the world and represents more than 600 independent and state boarding schools, over 500 of which are based in the UK.

The list of BSA Certified Guardians can be found on the below link:

[\*BSA Certified Guardian Scheme | Boarding School Training | The Boarding Schools' Association\*](#)

It is expected that the large majority of parents will appoint a Nominated Guardian via this approach.

- Or: a family member or close family friend who must satisfy the following criteria:
  - (i) is independent (i.e. not connected to the School)
  - (ii) is not employed by the School
  - (iii) is a British Citizen or has settled status
  - (iv) is a close family relative or friend over the age of 25, resident in the UK
  - (v) speaks and writes English fluently
  - (vi) lives within a three hour drive of the School
  - (vii) is available during term-time, including weekends
  - (viii) is not a current university pupil
  - (ix) is able to provide suitable accommodation, including a separate bedroom, for the pupil
  - (x) be financially able to support/feed the pupil as required during holiday periods or periods of absence from School
  - (xi) will engage with the School regarding travel and accommodation arrangements for the start and end of the School terms and where there is any temporary absence from school
  - (xii) will take an active interest in the pupil's welfare, physical wellbeing, emotional wellbeing and progress at the School
  - (xiii) has not been convicted of a criminal offence in the UK or overseas for which they have received a custodial sentence of 12 months or more (and does not regularly live with someone who has)
  - (xiv) is not a persistent offender who shows a particular disregard for the law (and does not regularly live with someone who does)

- (xv) has not committed a criminal offence, or offences, which caused serious harm (and does not regularly live with someone who has)

Please note that these requirements (excluding the family/friend connection) will also apply to Nominated Guardians appointed via either AEGIS or BSA.

A member of staff of the School cannot take on the role of Nominated Guardian for any pupil at the School, even if they satisfy the above criteria.

The purpose behind these criteria for appointing a Nominated Guardian is to safeguard and protect the needs of each child.

In an emergency situation, a member of school staff may be temporarily appointed as a Nominated Guardian where the arrangement has been adequately risk assessed and agreed by the Designated Safeguarding Lead and Head. Amended arrangements for a pupil should be implemented as soon as possible and any staff appointment should be for no longer than necessary.

## **7. Accommodation**

The School is not able to arrange accommodation for any pupils outside of term time.

Guardianship agencies typically arrange accommodation as well as acting as Nominated Guardian for their pupils. Guardianship agencies will usually arrange accommodation for their pupils through host families, although sometimes other accommodation options will be used. Host families will then be responsible for providing the day-to-day care of the pupil, including accommodation and meals. If the guardianship agency arranges accommodation for the child or young person, the agency will undertake necessary checks regarding the quality and safety of the accommodation including the necessary recruitment (DBS) checks, as well as ensuring that the arrangements promote the welfare, physical wellbeing and emotional wellbeing of the child or young person.

If parents have chosen to appoint a family member or (with the consent of the School) a close family friend as Nominated Guardian for their child, that family member or close family friend will be responsible for providing the day-to-day care of the pupil, including accommodation and meals.

No pupil at the School is permitted to live independently. Parents may not arrange for the pupil to stay in unsupervised accommodation (for example in a hotel, hostel, B&B or rental) as this is not considered suitable irrespective of the pupil's age.

## **8. Duties to all boarders**

As an independent boarding school, the School is subject to the National Minimum Standards for Boarding (NMSB). As a result the School:

- will ensure any concerns regarding a Nominated Guardianship arrangement are acted upon immediately in accordance with the School's Safeguarding and Child Protection policy
- will keep the following documents:
  - A clarification of responsibilities of the Nominated Guardian

- Agreements with any Nominated Guardian
- Letter of Undertaking (LOU) from the Nominated Guardian
- reserves the right to:
  - Conduct interviews with Nominated Guardians in person or remotely
  - Require confirmation of arrangements, including transport, for exets and half terms
  - Seek feedback from pupils regarding their experience of staying with their Nominated Guardian and or home stay provider.

The School is required by statutory guidance Keeping Children Safe In Education (KCSIE) to notify the Local Authority of a private fostering arrangement involving a pupil.

### **9. Sponsorship Duties**

As a Child Student Visa sponsor, the School is required to ensure that there are suitable 'care arrangements' in place for the pupils that it sponsors, which encompass travel, reception when they arrive in the UK and living arrangements while in the UK.

The School will not assign a Confirmation of Acceptance of Studies (CAS) until it is satisfied with the Nominated Guardianship arrangements, including:

- compliance with the requirements set out in this policy
- the receipt of a Letter of Undertaking (LOU) as required by UKVI and confirmation that the Nominated Guardian meets all current UKVI requirements.

The School reserves the right to request sight of written evidence to ensure it can meet its responsibilities as a sponsor and to provide assurance that the pupil's application for a visa will not be refused, prior to the assignment of a CAS.

### **10. Nominated Guardianship Agreement**

Parents who reside outside of the UK are expected to complete a Nominated Guardianship form (see below) which provides the School with full details of the Nominated Guardian and the responsibilities which the parents have delegated to them, together with a LOU signed by the Nominated Guardian.

Parents must inform the School of the name and contact details of any appointed Nominated Guardian and must also inform the School immediately if there are any changes to any details relating to the Nominated Guardian.

### **11. Lodgings and Monitoring**

The School does not organise lodgings for pupils.

Should lodgings be required in the future, the School would consider this, having regard to NMSB (2022) – Standard 23.

### **12. Private fostering**

Private fostering is when a child or young person under 16 years of age goes to live with someone for 28 days or more by private arrangement with someone who is not a:

## **THE STOWE GROUP NOMINATED GUARDIANSHIP POLICY**



- Parent
- Close relative (brother, sister, aunt, uncle, grandparent or step-parent)
- Guardian or a person with parental responsibility

Parents must inform, and receive in advance, all necessary approvals from the local authority of the borough in which the intended private foster carer resides.

In these circumstances the School also has a legal duty to refer to the local authority. Therefore parents must inform the School in advance of the commencement of a private foster care arrangement.

If a non-UK pupil whose visa is sponsored by the School will be cared for in a private foster care setting, the School must give the local authority in whose area the pupil will live the following details, as soon as we become aware that the pupil has arrived in the UK or, if the private care arrangement begins when the pupil is already here, as soon as we become aware of the change:

- (a) the name of the foster carer; and
- (b) the address where the foster carer and the pupil will live.

For more information please follow this link: [buckinghamshire.gov.uk/privatefostering](https://www.buckinghamshire.gov.uk/privatefostering)

### **13. Policy Owner**

This Policy will be updated by the Group Director of Marketing and Admissions.

### **14. Related Policies and Guidance**

This policy should be read alongside the School's:

'Terms and Conditions'

'Group Admissions Policy'

'Safeguarding and Child Protection Policy'.

### **15. Further Information**

Please contact Group Director of Marketing & Admissions ([admissions@stowe.co.uk](mailto:admissions@stowe.co.uk)).